

REMARKS

This responds to the Office Action dated May 6, 2005. Claims 29, 49 54, 56, 57 and 60 are amended, no claims are canceled, and no claims are added. Claims 1-60 remain pending in this application. Of these pending claims, claims 1-28 currently stand withdrawn.

Independent claims 29, 49 and 54 are amended to clarify data trends as at least one CRT-related data parameter associated with time. Support for the amendment is found at least at page 24 line 1 to page 27 line 31 and claim 14 of the originally-filed application. For example, Table 1 associated time with parameters. Furthermore, the trending method illustrated in FIG. 8 includes recording the time when the CRT-related data is recorded (Page 33 lines 18-19). Additionally, FIG. 9 illustrates parameters plotted against time. Thus, for at least these reasons, Applicant respectfully submits that no new matter is added.

Claims 49 and 54 are amended to clarify that at least one of the programmer and the CRM device is adapted to trend the CRT-related data. Support for the amendment is found at least at page 28 line 20-27. Applicant respectfully submits that no new matter is added.

Interview Summary

Applicant requested a telephone interview with the Examiner for the limited purpose of requesting clarification of the §112 rejection and requesting clarification on how the references were applied against “data trends”, such as used in claim 29. A brief telephone interview was conducted between Examiner Terri L. Smith and Applicant’s attorney Marvin L. Beekman on September 30, 2005. Applicant thanks the Examiner for the courtesy extended in the interview. With respect to the §112 rejection, the Examiner clarified a preference for the term “adapted” in the claims. Applicant believes that the amendments to the claims accurately reflect this preference. With respect to “data trends” as used in claim 29, the Examiner considered that the identified references were “capable of” transmitting CRT-related data to an external device for presentation of data trends. Applicant’s attorney did not present arguments during the telephone interview.

Affirmation of Election

As provisionally elected by Applicant's representative, Marvin Beekman, on May 2, 2005, Applicant elects to prosecute the invention of Group II, claims 29-60.

Drawings

Applicant discovered a typographical error in FIG. 8. Applicant respectfully asserts that element 843 should read DISPLAY TABLE rather than DISPLAY GRAPHICS. Support for the amendment is provided on page 33 line 28 of the specification. Applicant respectfully requests consideration and approval of the amendment to FIG. 8 in the next communication from the Patent Office.

Specification

Page 15 lines 26-29, page 25 line 16, page 28 lines 23-24, and page 31 line 1 of the disclosure were objected to in the rejection. Applicant has amended the specification to address the issues raised with respect to page 25 line 16, page 28 lines 23-24, and page 31 line 1. Applicant has reviewed page 15 lines 26-29 and believes that the language is clear. Applicant respectfully requests reconsideration, and withdrawal of the objection to the disclosure. The Examiner is cordially invited to contact Applicant's below-named representative to address any concerns not addressed by this Response.

§112 Rejection of the Claims

Claims 29-60 were rejected under 35 U.S.C. § 112, second paragraph. Applicant has amended the claims to address the issues raised in the Office Action, as clarified in telephone interview. Applicant respectfully requests reconsideration of the claims, and withdrawal of the §112 rejection.

With respect to claim 49, Applicant disagrees with the assertion that "prescribed cardiac resynchronization therapy (CRT)" was introduced in the preamble of the claim. Applicant agrees that "a prescribed cardiac resynchronization therapy (CRT)" was introduced in lines 2-3, and has amended the claim accordingly. However, Applicant respectfully submits that the preamble of claim 49 is "A system, comprising".

§102 Rejection of the Claims

Claims 29-30 were rejected under 35 U.S.C. § 102(b) as being anticipated by Schroepel et al. (U.S. Patent No. 5,749,900). Applicant respectfully traverses. Applicant is unable to find, among other things, in the cited portion of Schroepel a CRM device comprising, among other things, a communication circuit adapted to transmit the CRT-related data to an external device for presentation of data trends useful to assess the status of the prescribed CRT, wherein the data trends include at least one CRT-related data parameter associated with time, as recited in amended independent claim 29. Claim 30 depends on claim 29, and is believed to be in condition for allowance therewith.

Claims 29-52, 54-55 and 58-60 were rejected under 35 U.S.C. § 102(b) as being anticipated by Stahmann et al. (U.S. Patent No. 6,480,742). Applicant respectfully traverses. The claims have been amended to further clarify data trends / trended data. The amendments do not change the intended scope of the claims.

With respect to independent claim 29, Applicant is unable to find, among other things, in the cited portion of Stahmann a CRM device comprising, among other things, a communication circuit adapted to transmit the CRT-related data to an external device for presentation of data trends useful to assess the status of the prescribed CRT, wherein the data trends include at least one CRT-related data parameter associated with time, as recited in amended independent claim 29. Claims 30-48 depend on claim 29, and are believed to be in condition for allowance at least for the reasons provided with respect to claim 29.

With respect to independent claim 49, Applicant is unable to find, among other things, in the cited portion of Stahmann a system comprising, among other things, a CRM device and a programmer with a monitor, where at least one of the programmer and the CRM device is adapted to trend the CRT-related data, where the monitor is adapted to display information corresponding to the trended CRT-related data indicative of the status of the prescribed CRT, and where the trended CRT-related data include at least one CRT-related data parameter associated with time, as recited in amended independent claim 49. Claims 50-52 depend on claim 49, and are believed to be in condition for allowance at least for the reasons provided with respect to claim 49.

With respect to independent claim 54, Applicant is unable to find, among other things, in the cited portion of Stahmann a system comprising, among other things, a CRM device and a programmer, where the programmer includes means for displaying information corresponding to the trended CRT-related data indicative of the status of the prescribed CRT, wherein the trended CRT-related data include at least one CRT-related data parameter associated with time, as recited in amended independent claim 54. Claims 55 and 58-60 depend on claim 54, and are believed to be in condition for allowance at least for the reasons provided with respect to claim 54.

§103 Rejection of the Claims

Claim 53 was rejected under 35 U.S.C. § 103(a) as being unpatentable over Stahmann et al. (U.S. Patent No. 6,480,742) as applied to claim 49 above, and in view of Schroepel et al. (U.S. Patent No. 5,749,900). Applicant respectfully traverses. Claim 53 depends on claim 49, and is believed to be in condition for allowance for at least the reasons provided with respect to claim 49. Applicant respectfully submits that the combination of Stahmann and Schroepel do not show, or fairly suggest, a CRM device and a programmer with a monitor, where at least one of the programmer and the CRM device is adapted to trend the CRT-related data, where the monitor is adapted to display information corresponding to the trended CRT-related data indicative of the status of the prescribed CRT, and where the trended CRT-related data include at least one CRT-related data parameter associated with time, as recited in amended independent claim 49.

Claims 56-57 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Stahmann et al. (U.S. Patent No. 6,480,742). Applicant respectfully traverses. Claims 56-57 depend on claim 54, and are believed to be in condition for allowance for at least the reasons provided with respect to claim 54. Applicant respectfully submits that the combination of Stahmann and Schroepel do not show, or fairly suggest, a system comprising, among other things, a CRM device and a programmer, where the programmer includes means for displaying information corresponding to the trended CRT-related data indicative of the status of the prescribed CRT, wherein the trended CRT-related data include at least one CRT-related data parameter associated with time, as recited in amended independent claim 54.

CONCLUSION

Applicant respectfully submits that the claims are in condition for allowance, and notification to that effect is earnestly requested. The Examiner is invited to telephone Applicant's attorney at (612) 373-6960 to facilitate prosecution of this application.

If necessary, please charge any additional fees or credit overpayment to Deposit Account No. 19-0743.

Respectfully submitted,

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By their Representatives,

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Date 10-4-05

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CERTIFICATE UNDER 37 CFR 1.8: The undersigned hereby certifies that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail, in an envelope addressed to: Mail Stop Amendment, Commissioner of Patents, P.O. Box 1450, Alexandria, VA 22313-1450, on this 4 day of October, 2005.

Name

Paula Sury

Signature

Hilla Seery

IN THE DRAWINGS

FIG. 8 has been amended to revise the label associated with element 843 to read DISPLAY TABLE. Support for the amendment is provided on page 33 line 28 of the specification.

